

**FIRST DAY - JANUARY 8, 2003**

**LEGISLATIVE JOURNAL**

**NINETY-EIGHTH LEGISLATURE**

**FIRST SESSION**

**FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 8, 2003

**PRAYER**

The prayer was offered by Senator Wehrbein.

**PRESENTATION OF COLORS**

Presentation of Colors by the State Area Command of the Nebraska Army National Guard, the 155<sup>th</sup> Air Refueling Wing of the Nebraska Air National Guard.

**ROLL CALL**

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the Ninety-Eighth Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 8, 2003, and was called to order by President Heineman.

The roll was called and the following members were present:

Aguilar, Raymond	Friend, Mike	Preister, Don
Baker, Thomas C.	Hartnett, D. Paul	Price, Marian L.
Beutler, Chris	Hudkins, Carol L.	Quandahl, Mark
Bourne, Patrick J.	Janssen, Ray	Raikes, Ronald E.
Brashear, Kermit	Jensen, Jim	Redfield, Pam
Bromm, Curt	Johnson, Joel T.	Schimek, DiAnna R.
Brown, Pam	Jones, James E.	Schrock, Ed
Burling, Carroll	Kremer, Bob	Smith, Adrian
Byars, Dennis M.	Kruse, Lowen	Stuhr, Elaine
Chambers, Ernie	Landis, David M.	Stuthman, Arnie
Combs, Jeanne M.	Louden, LeRoy J.	Synowiecki, John F.
Connealy, Matt	Maxwell, Chip	Thompson, Nancy
Cudaback, Jim D.	McDonald, Vickie D.	Tyson, Gene
Cunningham, Douglas D.	Mines, Mick	Vrtiska, Floyd P.
Engel, L. Patrick	Mossey, Raymond	Wehrbein, Roger R.
Erdman, Philip	Pedersen, Dwite	
Foley, Mike	Pederson, Don	

**MOTION - Temporary Clerk and Sergeant at Arms**

Senator Wehrbein moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Ms. Lynne Yost as temporary Sergeant at Arms.

The motion prevailed.

**MOTION - Committee on Credentials**

Senator Brown moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November 2002.

The motion prevailed.

Senator Schimek moved to elect the following five members of the Legislature to serve on the Committee on Credentials: Senators Beutler, Chambers, Hartnett, Landis, and Wehrbein.

The motion prevailed.

**REPORT OF COMMITTEE ON CREDENTIALS**

State of Nebraska

United States of America, )

) ss.  
State of Nebraska )

Department of State

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the Ninety-Eighth Legislature, First Session, 2003.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the Ninety-Eighth Legislature, First Session, 2003.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Ninth day of December in the year of our Lord, two thousand and two.

(SEAL)

John A. Gale, Secretary of State

DISTRICT/NAME	ELECTED
1 Floyd P. Vrtiska	November 7, 2000
2 Roger R. Wehrbein	November 5, 2002
3 Raymond Mossey	Appointed November 15, 2002
4 Kermit Brashear	November 5, 2002
5 Don Preister	November 7, 2000
6 Pam Brown	November 5, 2002
7 John F. Synowiecki	November 5, 2002
8 Patrick J. Bourne	November 5, 2002
9 Chip Maxwell	November 7, 2000
10 Mike Friend	November 5, 2002
11 Ernie Chambers	November 7, 2000
12 Pam Redfield	November 5, 2002
13 Lowen Kruse	November 7, 2000
14 Nancy Thompson	November 5, 2002
15 Ray Janssen	November 7, 2000
16 Matt Connealy	November 5, 2002
17 L. Patrick Engel	November 7, 2000
18 Mick Mines	November 5, 2002
19 Gene Tyson	November 7, 2000
20 Jim Jensen	November 5, 2002
21 Carol L. Hudkins	November 7, 2000
22 Arnie Stuthman	November 5, 2002
23 Curt Bromm	November 7, 2000
24 Elaine Stuhr	November 5, 2002
25 Ronald E. Raikes	November 7, 2000
26 Marian L. Price	November 5, 2002
27 DiAnna R. Schimek	November 7, 2000
28 Chris Beutler	November 5, 2002
29 Mike Foley	November 7, 2000
30 Dennis M. Byars	November 5, 2002
31 Mark Quandahl	November 7, 2000
32 Jeanne M. Combs	November 5, 2002
33 Carroll Burling	November 7, 2000
34 Bob Kremer	November 5, 2002
35 Raymond Aguilar	November 7, 2000
36 Jim D. Cudaback	November 5, 2002
37 Joel T. Johnson	November 5, 2002
38 Ed Schrock	November 5, 2002
39 Dwite Pedersen	November 7, 2000
40 Douglas D. Cunningham	November 5, 2002
41 Vickie D. McDonald	November 5, 2002
42 Don Pederson	November 5, 2002
43 James E. Jones	November 7, 2000
44 Thomas C. Baker	November 5, 2002
45 D. Paul Hartnett	November 7, 2000
46 David M. Landis	November 5, 2002
47 Philip Erdman	November 7, 2000
48 Adrian Smith	November 5, 2002
49 LeRoy J. Loudon	November 5, 2002

Senator Landis moved to approve the Committee on Credentials Report as certified and presented by the Secretary of State.

**MOTION - Escort Chief Justice**

The Chair appointed Senators Brashear, Jones, Hudkins, D. Pederson, and Schimek to serve on said committee.

STATE OF NEBRASKA )  
 ) ss.  
LANCASTER COUNTY )

Baker, Thomas C.	Friend, Mike	Price, Marian L.
Beutler, Chris	Jensen, Jim	Redfield, Pam
Bourne, Patrick J.	Johnson, Joel T.	Schrock, Ed
Brashear, Kermit	Kremer, Bob	Smith, Adrian
Brown, Pam	Landis, David M.	Stuhr, Elaine
Byars, Dennis M.	Louden, LeRoy J.	Stuthman, Arnie
Combs, Jeanne M.	McDonald, Vickie D.	Synowiecki, John F.
Connealy, Matt	Mines, Mick	Thompson, Nancy
Cudaback, Jim D.	Pederson, Don	Wehrbein, Roger R.
Cunningham, Douglas D.		

The committee escorted the Chief Justice from the Chamber.

The motion prevailed.

Senator Bromm moved that the following officers, recommended by the Executive Board, be elected to serve for the Ninety-Eighth Legislature:

Patrick J. O'Donnell  
Richard K. Brown  
Lynne Yost

The motion prevailed.

Senator Jones moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Bromm placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Bromm.

The motion prevailed.

Senator Bromm was duly elected Speaker of the Legislature.

Senator Price moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Senators Brashear, Dw. Pedersen, Schrock, Thompson, and Vrtiska to serve on said committee.

[illegible]

We, and each of us, do solemnly swear (or affirm) that we will support the constitution of the United States, the constitution of the State of Nebraska, and will faithfully discharge the duties of our respective offices to the best of our ability.

Speaker  
Clerk of the Legislature  
Assistant Clerk of the Legislature  
Sergeant at Arms

Curt Bromm  
Patrick J. O'Donnell  
Richard K. Brown  
Lynne Yost

The committee escorted the Chief Justice from the Chamber.

### **MOTION - Chairperson of Committee on Committees**

Senator Synowiecki moved to proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Senator Dw. Pedersen placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Dw. Pedersen.

The motion prevailed.

Senator Dw. Pedersen was duly elected Chairperson of the Committee on Committees.

### **MOTION - Committee on Committees Members**

Senator Cunningham moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Kremer, Landis, Price, and Schimek were nominated from District 1.

Senators Bourne, Brashear, Jensen, and Preister were nominated from District 2.

Senators Cudaback, Schrock, Jones, and Bromm were nominated from District 3.

Senator Dw. Pedersen moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

### **MOTION - Chairperson of Executive Board**

Senator Aguilar moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Engel placed his name in nomination.

Senator Byars placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Kremer, Quandahl, and Smith as tellers.

Senator Engel	33
Senator Byars	<u>15</u>
	48

Senator Engel was duly elected Chairperson of the Executive Board.

### **MOTION - Vice Chairperson of Executive Board**

Senator Bourne moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Cudaback placed his name in nomination.

Senator Preister placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Maxwell, Burling, and Kruse as tellers.

Senator Cudaback	31
Senator Preister	<u>17</u>
	48

Senator Cudaback was duly elected Vice Chairperson of the Executive Board.

**MOTION - Executive Board Members**

Senator Janssen moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Beutler and Janssen were nominated from District 1.

Senators Chambers and Thompson were nominated from District 2.

Senators Jones and Tyson were nominated from District 3.

Senator Connealy moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Standing Committee Chairpersons**

Senator Jensen moved to proceed to the election of the standing committee chairpersons, by secret ballot, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

**CHAIRPERSON - Agriculture**

Senator Kremer placed his name in nomination.

Senator Erdman placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Bourne, Janssen, and Price as tellers.

Senator Kremer	39
Senator Erdman	<u>9</u>
	48

Senator Kremer was duly elected Chairperson of the Agriculture Committee.

**CHAIRPERSON - Appropriations**

Senator Wehrbein placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote



by acclamation be cast for Senator Wehrbein.

The motion prevailed.

Senator Wehrbein was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Quandahl placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Quandahl.

The motion prevailed.

Senator Quandahl was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Senator Connealy placed his name in nomination.

Senator Vrtiska placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Brown, Byars, and Preister as tellers.

Senator Connealy	23
Senator Vrtiska	<u>25</u>
	48

Senator Vrtiska was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Senator Raikes placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Raikes.

The motion prevailed.

Senator Raikes was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Janssen placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Janssen.

The motion prevailed.

Senator Janssen was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Smith placed his name in nomination.

Senator Aguilar placed his name in nomination.

Senator Schimek placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Cudaback, Tyson, and Redfield as tellers.

Senator Smith	21
Senator Aguilar	6
Senator Schimek	<u>22</u>
	49

The Chair announced that a second ballot would be cast between Senator Smith and Senator Schimek.

The Chair appointed Senators Cudaback, Tyson, and Redfield as tellers.

Senator Smith	22
Senator Schimek	<u>26</u>
	48

Senator Schimek was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Senator Jensen placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Jensen.

The motion prevailed.

Senator Jensen was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Brashear placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Brashear.

The motion prevailed.

Senator Brashear was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Schrock placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Schrock.

The motion prevailed.

Senator Schrock was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Senator Stuhr placed her name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Stuhr.

The motion prevailed.

Senator Stuhr was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Senator Redfield placed her name in nomination.

Senator Landis placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Foley, Cunningham, and Aguilar as tellers.

Senator Redfield	24
Senator Landis	<u>25</u>
	49

Senator Landis was duly elected Chairperson of the Revenue Committee.

#### CHAIRPERSON - Transportation and Telecommunications

Senator Baker placed his name in nomination.

Senator Bourne placed his name in nomination.

Senator Thompson placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Engel, Jensen, and Stuhr as tellers.

Senator Baker	21
Senator Bourne	11
Senator Thompson	<u>16</u>
	48

The Chair announced that a second ballot would be cast between Senator Baker and Senator Thompson.

The Chair appointed Senators Engel, Jensen, and Stuhr as tellers.

Senator Baker	25
Senator Thompson	<u>23</u>
	48

Senator Baker was duly elected Chairperson of the Transportation and Telecommunications Committee.

#### CHAIRPERSON - Urban Affairs

Senator Hartnett placed his name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hartnett.

The motion prevailed.

Senator Hartnett was duly elected Chairperson of the Urban Affairs Committee.

**MOTION - Special and Select Committee Chairpersons**

Senator Schrock moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.

**CHAIRPERSON - Intergovernmental Cooperation**

Senator Aguilar placed his name in nomination.

Senator McDonald placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Erdman, Johnson, and Synowiecki as tellers.

Senator Aguilar	29
Senator McDonald	<u>15</u>
	44

Senator Aguilar was duly elected Chairperson of the Intergovernmental Cooperation Committee.

**CHAIRPERSON - Rules**

Senator Hudkins placed her name in nomination.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hudkins.

The motion prevailed.

Senator Hudkins was duly elected Chairperson of the Rules Committee.

**CHAIRPERSON - Enrollment and Review**

Senator Erdman nominated Senator Mossey.

Senator Cudaback moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Mossey.

The motion prevailed.

Senator Mossey was duly elected Chairperson of the Enrollment and Review Committee.

**MOTION - Election Returns**

Senator Redfield moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2002.

The motion prevailed.

The Chair appointed Senators Connealy, McDonald, and Raikes to serve on said committee.

The committee escorted Secretary of State, John A. Gale, to the rostrum where he delivered the following report.

**REPORT FROM THE SECRETARY OF STATE**

January 8, 2003

Speaker of the Legislature  
Ninety-Eighth Legislature, First Session (Regular) 2003  
State Capitol  
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 5, 2002 for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Supreme Court Judge, Court of Appeals Judges and Nebraska Workers Compensation Judges which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 1998 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to two Constitutional Amendments is on file in this office. A certification of these returns is also attached.

Inasmuch as these canvass sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.

# CERTIFICATE

Department of State

Governor Mike Johanns  
Lieutenant Governor Dave Heineman  
Attorney General Jon Bruning  
Secretary of State John Gale  
Auditor of Public Accounts Kate Witek  
State Treasurer Lorelee Byrd  
Public Service Commission Anne Boyle  
Board of Regents of the University of Nebraska - Dist 1 - Charles Wilson  
Board of Regents of the University of Nebraska - Dist 2 - Howard Hawks  
State Board of Education - Dist 5 - Stephen A. Scherr  
State Board of Education - Dist 6 - Fred Meyer  
State Board of Education - Dist 7 - Kandy Imes  
State Board of Education - Dist 8 - Joe Higgins  
Supreme Court Judge John V. Hendry  
Court of Appeals Judge Richard D. Sievers  
Court of Appeals Judge Theodore L. Carlson  
Court of Appeals Judge John F. Irwin  
Court of Appeals Judge Edward E. Hannon  
Nebraska Workers Compensation Judge Michael K. High  
Nebraska Workers Compensation Judge Lauren Van Norman

**CERTIFICATE**

State of Nebraska

United States of America, )  
 ) ss.  
 State of Nebraska )

Department of State

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of Constitutional Amendments proposed by the Legislature showing the number of votes cast for and against each at the General Election held on November 5, 2002.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighth day of January in the year of our Lord, two thousand and three.

(SEAL)

John A. Gale, Secretary of State

General Election  
 November 5, 2002

No. 1

A constitutional amendment to amend section 27 of Article I of the Nebraska Constitution to eliminate language requirements for private, denominational, and parochial schools.

For	184,076
Against	241,287

No. 2

A constitutional amendment to amend section 2 of Article XIII of the Nebraska Constitution to permit the Legislature to authorize counties, cities and villages to acquire, own, develop, lease and otherwise finance real and personal property to be used by non profit entities. In addition, the Legislature would be empowered to authorize counties, cities, and villages to issue revenue bonds for such purposes.

For	165,131
Against	242,038

Senator Thompson moved to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.



The Secretary of State was escorted from the Chamber.

**MOTION - Inaugural Ceremonies**

Senator Quandahl moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 9, 2003, at 1:45 p.m.

The motion prevailed.

**VISITORS**

Visitors to the Chamber were students and teacher from Lincoln East High School; Bruce Davis from South Sioux City; Senator Cunningham's parents, Dean and Elda, from Wausa; Senator Kremer's daughters and families, Sheila Miller and Shauna Moody; Senator Combs' family and friends; Senator Mines' wife, Katie, son, Billy, daughter, Laini, from Blair, parents, Bill and Dorothy, and grandmother, Clara Vopalensky, from North Bend; Senator Price's daughter, Penni, from Lincoln; and Senator Johnson's granddaughter, Sarah Westesen, and Ryan Hack.

The Doctor of the Day was Dr. Ron Klutman from Columbus.

**ADJOURNMENT**

At 1:20 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 10:00 a.m., Thursday, January 9, 2003.

Patrick J. O'Donnell  
Clerk of the Legislature

